

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/11/2022</u>
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UNITED STATES OF AMERICA

-v-

LUIS CABAN,

Defendant.

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1:16-cr-00656-GHW-19

ORDER

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GREGORY H. WOODS, United States District Judge:

On May 11, 2022, a letter from Luis Caban dated May 5, 2022 was docketed in this case. Dkt. No. 956. In his letter, Mr. Caban expresses concern regarding the delay by his appointed counsel in filing a motion for compassionate release on Mr. Caban's behalf. Mr. Caban asserts that counsel had not yet filed a motion for compassionate release as of the date of his letter.

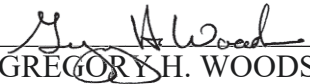
While the Court fully appreciates Mr. Caban's concern about the lapse of time between the Court's appointment of counsel and the filing of a motion for compassionate release, which was the topic of several orders from the Court, the premise of Mr. Caban's May 2022 letter to the Court is faulty: Mr. Kirton did file a motion for compassionate release on behalf of Mr. Caban. The motion was filed on April 4, 2022. *See* Dkt. No. 949. The Court denied that motion by order on April 15, 2022. *See* Dkt. No. 952. The Court is ordering that those documents be mailed to Mr. Caban.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to mail a copy of this order, together with copies of the documents filed at Dkt. Nos. 949 and 952 to Mr. Caban. The Clerk of Court is also directed to terminate the motions pending at Dkt. Nos. 924 and 944.

SO ORDERED.

Dated: May 11, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge